IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	
	)	
Houlmont et al.	)	Group Art Unit: 1623
	)	
Application No.: 10/577,444	)	Examiner: E. OLSON
	)	
Filed: October 29, 2004	)	Confirmation No.:
	)	
For: MEDICAMENT COMPRISING A REDUCING ALKYL-SUGAR MONOMER FOR THE TREATMENT OF INFLAMMATORY DISORDERS	)	

DECLARATION BY INVENTOR UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, Jean-Philippe HOULMONT, submit this Declaration in support of U.S. patent application no. 10/577,444, which is a national phase application of PCT/FR04/02794, filed October 29, 2004, and which claims priority from French national application no. 03/12798, filed October 31, 2003.

2. My *curriculum vitae* is attached as Exhibit A.

3. On information and belief, the referenced application is owned by my employer, Pierre Fabre Dermo-cosmétique.

4. The formulations cited on page 366, Tables IV and V, are primary formulations (7 to 8 compounds including water), and less well sophisticated than commercialized dermatological formula which contains about fifteen different compounds, and particularly products having known high tolerance properties such like "l'eau d'Avène".

Thus, these formulations just serve to put in form the active: (pentyl or cetyl rhamnoside) to evaluate its own cosmetic properties and not its anti-inflammatory properties as claimed in the present patent application.

Furthermore, these formulations are used to compare the rhamnose-based surfactant versus classically used glucose-based surfactant.

The established results are clearly cited (results part):

- to reduce the "sugar effect" or sticky effect generated by the glucose-based surfactant and not by the rhamnose-based surfactant. This property permits to enhance the product comfort, but not the tolerance of an atopic skin;
- to enhance the tolerability, due to the fact that the glucose-based surfactants often contains a high amount of fatty alcohol residues. This high amount of fatty alcohol residues is responsible of cutaneous intolerances, whatever the skin type is, even if this intolerance is of course stronger on sensitive skins.

Furthermore, the formulations were only tested on subject having normal skin, and not on subjects having skin and/or mucous membranes that are sensitive, irritated, intolerant, of an allergic tendency, aged, exhibiting danger signs, exhibiting a disorder of the cutaneous barrier, exhibiting cutaneous redness or exhibiting a non-pathological immunological imbalance related to intrinsic, extrinsic or hormonal aging, i.e. intolerant skin.

The pending application is different:

- it lies on the intrinsic cutaneous anti-inflammatory properties of the cited rhamnosides;
- it shows the synergy between the actives which made the reputation of the Trixera range, particularly the "eau d'Avène": complex formulation, adapted to sensitive and/or atopic skins...

Thus, one skilled in the art in view of the Houlmont et al. article, would have known that the formulation primary bases are used to screen actives. Nevertheless, he would not have been motivated, in view of this document, to directly apply the disclosed compounds to treat an

intolerant skin, since a good tolerance of normal skin to a product does not mean that such a product can be useful to treat an intolerant skin.

In fact, intolerant skins are often intolerant to a lot of cosmetic products, even if such products are well-tolerated by normal skins.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 25 Août 2009

(signature)